

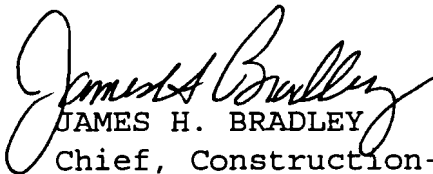
3 February 1997

MEMORANDUM FOR CESAW-DE/COL Youngbluth

SUBJECT: Shoreline Management Approval, W. Kerr Scott Reservoir

1. Reference CESAW-CO-RS memorandum dated 14 January 1997, SAB, copy enclosed. The W. Kerr Scott Shoreline Management Plan has been revised, undergone a public comment review period, and is being furnished for approval. The document represents extensive efforts by W. Kerr Scott staff and their dedication to providing a balance between private shoreline use of Scott Reservoir and waterbased public recreational opportunities.
2. Shoreline management plans were previously approved at our Division office. However, EP 1130-2-550 dated 15 November 1996 now designates District Commanders as the responsible approval authority.
3. Following your signing of the memorandum, we will provide graphics, printing, and distribution to appropriate agencies and individuals.

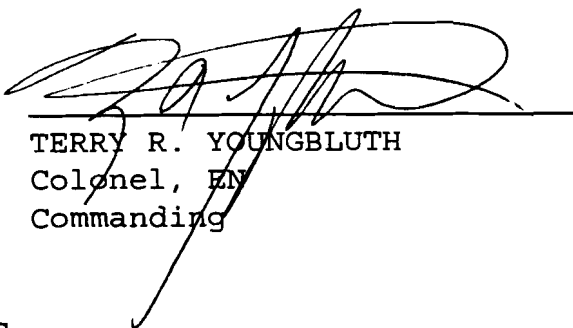
Encl



JAMES H. BRADLEY

Chief, Construction-Operations
Division

Approved:


TERRY R. YOUNGBLUTH
Colonel, EN
Commanding

CF:

CESAW-CO-S

W. KERR SCOTT RESERVOIR

SHORELINE MANAGEMENT PLAN

U.S. ARMY ENGINEER DISTRICT, WILMINGTON

**Corps of Engineers
Wilmington, North Carolina**

Department of The Army
Wilmington District, Corps of Engineers
P.O. Box 1890
Wilmington, North Carolina 28402-1890

Project Operation
Shoreline Management Plan
W. Kerr Scott Dam and Reservoir
Wilkesboro, North Carolina

Table of Contents

<u>Paragraph</u>	<u>Title</u>	<u>Page</u>
1.	Purpose	1
2.	Policy	1
3.	General Objectives	1
4.	Authority	1
5.	History	3
	a. General	
	b. Area	
	c. Topography	
	d. Present Land Use	
	e. Existing Access	
	f. Shoreline Management	
	g. Public Involvement	
6.	Shoreline Allocation	4
	a. Public Recreation Areas	
	b. Limited Development Areas	
	c. Protected Shoreline Areas	
	d. Prohibited Access Areas	
7.	Flowage Easement Lands	5
	a. Intent of Acquisition	
	b. Policy	
	c. Examples of Prohibited Structures	
	d. Structures and Activities That Require Prior Approval	
	e. Filling	

8.	Abandonment of Private Property	6
9.	Shoreline Tie-Up of Vessels	7
10.	Shoreline Use Permit/Licenses	7
	a. Requirements	
	b. Applicant Qualifications	
	c. Permit Conditions	
	d. Permit Fees	
	e. Corps Access Agreement	
	f. Corps Liability	
	g. Permit Compliance and Enforcement	
	h. Applications	
11.	Prior Commitments and Grandfathered Facilities	9
	a. Existing Permits/Licenses	
	b. Grandfather Facilities	
	(1) Docks and Associated Structures	
	(2) Land Based Facilities	
	(3) Vegetation Modification	
	(4) Mowed Lawns	
12.	Off-Road Vehicle Use	10
13.	Private Individual Floating Facilities	11
	a. Location and Spacing	
	b. Standards for Docks	
	c. Plans	
	d. Size Requirements	
	e. Materials	
	f. Flotation Material	
	g. Standards for Walkways	
	h. Anchoring	
	i. Storage Compartments	
	j. Reflectors	
	k. Prohibited Installations	
	l. Boat Lifts	
14.	Private Non-Floating Facilities	14
15.	Access Requirements for Obtaining Shoreline Use Permits/Licenses	14

16.	Community or Multi-Ownership Docks	14
	a. General	
	b. Applicant	
	c. Size of Facility	
	d. Access	
	e. Construction Criteria	
	f. Maintenance of Facility	
	g. Spacing Requirement	
	h. Offshore Moorage	
	i. Special Conditions of Community Floating Facilities	
17.	Reforestation and Regeneration of Open Areas	17
18.	Vegetative Modification	17
	a. Underbrushing	
	b. Seeding	
	c. Limbing	
	d. Burning	
	e. Herbiciding	
	f. Foot Paths	
	g. Miscellaneous Vegetation Removal	
19.	Land Based Shoreline Uses	20
	a. General	
	b. Special Conditions	
	c. Electric Utility Lines	
	d. Improved Walkways and Steps	
	e. Water Utility Lines	
	f. Miscellaneous Utility Lines	
20.	Erosion Control Activities	23
	a. Shoreline Erosion	
	b. Trail Erosion	
21.	Duck Blinds	25
22.	Ski Jumps	25
23.	Prohibited Private Facilities and Activities	25
24.	Government Access Across Private Property	26

25.	Boundary Line and Encroachments	26
26.	Permits - General Information	26
	a. Application	
	b. Shoreline Use Permits	
	c. Department of the Army Permits	
	d. Real Estate Instruments	
	e. Appeal of Disapproval or Revocation of Permits	
	f. Duration and Administrative Fees	
	g. Posting of Permits	
27.	Conclusion	28
EXHIBIT 1	Shoreline Allocation Map	29
EXHIBIT 2	Sample Permit/License	30
EXHIBIT 2a	Conditions for Shoreline Use	32
EXHIBIT 3	Procedures for Obtaining a Shoreline Permit/License	33
EXHIBIT 4	Approved Drawing of Underground Electric Line	36
EXHIBIT 4a	Electric Line Certification Statement	37
EXHIBIT 5	Typical Anchoring System	38
EXHIBIT 6	Reflectors	39
EXHIBIT 7	Approved Drawing of Typical Stairway	40
EXHIBIT 8	Permit Fees	41
EXHIBIT 9	Boundary Line and Encroachments	42

1. **PURPOSE**

This plan has been developed to provide guidance and information to the public specific to the effective management of the shoreline at W. Kerr Scott Reservoir. The types of private uses which may be permitted on the shoreline are described within the plan. Additionally, the plan addresses shoreline allocations, rules, regulations and other information relative to the W. Kerr Scott Reservoir Shoreline Management Program.

2. **POLICY**

It is the policy of the Chief of Engineers to protect and manage shorelines of all Civil Works water resource development projects under Corps jurisdiction in a manner which will promote the safe and healthful use of these shorelines by the public while maintaining environmental safeguards to ensure a quality resource for use by the public. Public pedestrian access to and exit from these shorelines shall be preserved. For projects or portions of projects where Federal real estate interest is limited to easement title only, management actions will be appropriate within the limits of the estate acquired.

In accordance with Engineer Regulation (ER) 1130-2-406, shoreline management plans will be reviewed at least once every five years and revised as necessary. When approved, this plan will become part of the W. Kerr Scott Reservoir Operational Management Plan. Shoreline management plans and permits are subject to all applicable laws referenced herein and amendments to regulations which may alter policy and implementation of the plan.

3. **GENERAL OBJECTIVES**

The primary objective of this plan is to define policies and regulations pertaining to the shoreline of W. Kerr Scott Reservoir. This objective includes maintenance of the aesthetic and environmental characteristics of the reservoir for the full benefit of the general public. All management actions will seek to achieve a balance between permitted private uses and protection of natural and cultural resources for the use by the general public.

4. **AUTHORITY**

This plan was prepared in accordance with the requirements of ER 1130-2-406 dated 31 October 1990 with change 1, 14 September 1992, and titled "Shoreline Management at Civil Works Projects". References include:

- a. Section 4, 1944 Flood Control Act, as amended (16 USC 460d).

- b. The Rivers and Harbors Act of 1894, as amended and supplemented (33 USC 1).
- c. Section 10, River and Harbor Act of 1899 (33 USC 403).
- d. National Historic Preservation Act of 1966 (P.L. 89-665; 80 Stat. 915) as amended (16 USC 470 et seq.).
- e. The National Environmental Policy Act of 1969 (PL 91-190; 42 USC 4321, et seq.).
- f. The Clean Water Act of 1977 as amended (33 USC 1344, et seq.).
- g. The Water Resource Development Act of 1986 (P.L. 99-662).
- h. Title 36, Chapter III, Part 327, Code of Federal Regulations, "Rules and Regulations Governing Public Use of Water Resource Development Projects Administered by the Chief of Engineers."
- i. Executive Order 12088 (13 OCT 78), "Federal Compliance with Pollution Control Standards."
- j. 33 CFR 320-330, "Regulatory Programs of the Corps of Engineers".
- k. ER 1130-2-400, "Management of Natural Resources and Outdoor Recreation at Civil Works Water Resource Projects".
- l. EM 385-1-1, "Safety and Health Requirements Manual".
- m. ER 1130-2-435, "Project Operations, Preparation of Project Master Plans (30 DEC 1987)".
- n. ER 1130-2-438, "Historic Preservation Program".
- o. Executive Order 11990, "Protection of Wetlands," 24 May 1977.
- p. "Endangered Species Act of 1973", (PL 93-205, as amended; 16 USC 1536).
- q. Federal Insecticide, Fungicide, and Rodenticide Act of 1972 as amended (P.L. 92-516; 7 USC 136 et seq.).
- r. SADvR 1130-2-14, Use of Shoreline and Water Areas for Minor Private Purposes.
- s. Forest Cover Act of September 6, 1960 (P.L. 86-717; 66 USC 580m-580n).

t. ER 405-1-12, Real Estate Handbook, as amended.

5. HISTORY

a. General. W. Kerr Scott Reservoir is located in the northwestern portion of North Carolina on the Yadkin River, approximately 5.5 miles upstream from the twin towns of Wilkesboro and North Wilkesboro. The project, which was included in the general plan for the improvement of the Yadkin/Pee-Dee River, was authorized by the Flood Control Act of 1946. After some modifications, based on studies conducted in 1953-59, the project was funded for construction in Fiscal Year 1960. Actual construction of the W. Kerr Scott Dam began in September 1960 under the direction of the US Army Corps of Engineers. The project was completed in August 1962.

b. Area. At normal pool the reservoir contains 1,470 acres of water. The normal reservoir pool and all fee-owned lands are within Wilkes County, North Carolina. The top of the flood pool extends upstream a short distance into Caldwell County, North Carolina. Approximately 726 acres were acquired during initial construction for public use and access areas. In addition, the fringe area around the reservoir extending from normal pool level (1,030 feet msl) up to the five-year flood elevation (1,047 feet msl) was purchased in fee and is available for public use. This fringe area contains approximately 697 acres extending along the 56 mile shoreline. An additional 861 acres of recreational lands were authorized for purchase by the Chief of Engineers on 17 April 1964. The final tracts of this acreage were purchased in July 1971. Of the total area, approximately 90 percent is forested.

c. Topography. The project is located within the inner belt of the Piedmont geologic province between the Blue Ridge and Brushy Mountain ranges. The general area is underlain by ancient metamorphic rocks of sedimentary origin, most of which belong to a broad geologic group known as the "Carolina Gneiss." The surface elevation in the watershed varies from 4,000 feet to the north of the valley floor (1,000 feet) and up to 2,260 feet to the south. The terrain in the immediate vicinity of the reservoir ranges from steep hills and wooded slopes to sheer rock cliffs in the river gorge sections above the main body of the reservoir.

d. Present Land Use. The W. Kerr Scott project area contains 2,284 acres above elevation 1,030 msl. Approximately seventy percent of this area (1,587) is devoted to public park and recreational use. The remaining 697 acres make up a fringe area which extends along the 56-mile shoreline. These 697 acres are primarily wooded areas and land usage is determined by allocations of designated shoreline areas.

e. Existing Access. There are presently five (5) public boat launching sites which are maintained by the Corps of Engineers. Two (2) other boat launching sites are located at Wilkes County Park and Wilkes Skyline Marina.

f. Shoreline Management. The original Lakeshore Management Plan dated March 1980, was used as the principle management document from the approval date to present. The original Lakeshore Management Plan will become void when the new plan is adopted. However, the old plan will remain a useful reference when researching old permits and in converting renewals under the new approved plan.

g. Public Involvement. The public will be asked to review the updated Shoreline Management Plan during a public review period.

6. SHORELINE ALLOCATION

This Shoreline Management Plan benefits adjoining landowners and ensures that the shoreline is maintained in a condition that can be enjoyed by future generations. An adjoining landowner or prospective landowner can use the plan as a basis for making decisions regarding possible use of government property for certain authorized purposes and activities. In preparing this plan, consideration was given to limiting the number and locations of private exclusive use facilities in such a manner that these facilities would not be aesthetically distracting, unreasonably harmful to the environment, or limit the use of the shoreline by the general public. As an aid to obtaining this objective, a system for classifying portions of the shoreline has been developed. Under this system, the shoreline is divided into areas which are classified as being either Public Recreation Areas, Protected Shoreline Areas, Limited Development Areas, or Prohibited Access Areas. These four land areas have been physically marked along the 55-mile shoreline and color coded on the shoreline allocation map in Exhibit 1. The following shoreline allocations have been made in consideration for Corps policies and regulations and their relationship to the physical characteristics of the lake.

Table 2

Summary of Shoreline Allocated

<u>Allocation</u>	<u>Miles Affected</u>	<u>% Total Shoreline</u>
Public Recreation	14	25 %
Limited Development	14	25 %
Protected	27	49 %
Prohibited	< 1	< 1 %

a. Public Recreation Areas. (Approximately 25% of the shoreline). Public recreation areas are those areas designated for commercial concessionaire facilities, Federal, state or other similar public use. No private shoreline use facilities and/or activities will be permitted within or near designated or developed public recreation areas. The term "near" depends on

the terrain, road system, and other local conditions, so actual distances must be established on a case by case basis. No modification of land forms or vegetation by private individuals to groups of individuals is permitted in public recreation areas. (Public recreation area boundaries are shown in red on Exhibit 1)

b. Limited Development Areas. (Approximately 25% of the shoreline). Protected shoreline areas are those areas in which private facilities and/or activities may be permitted. Modification of vegetation by individuals may be allowed only following the issuance of a permit in accordance with Exhibit 3. Potential low and high water conditions and underwater topography should be carefully evaluated before shoreline is allocated as limited development area. (Limited development areas are shown in green on Exhibit 1).

c. Protected Shoreline Areas. (Approximately 49% of the shoreline). Protected Shoreline areas are those areas designated to maintain or restore aesthetic, fish and wildlife, cultural, or other development in areas that are subject to excessive siltation, erosion, rapid dewatering, exposure to high wind, wave, current action and/or in areas in which development would interfere with navigation. No Shoreline Use Permits for floating or fixed recreation facilities will be allowed in protected areas. Some modification of vegetation by private individuals, such as clearing a narrow meandering path to the water or cutting dead trees, may be permitted if the activity will not adversely impact the environment or physical characteristics for which the area was designated as protected. (Protected shoreline areas are shown in yellow on Exhibit 1).

d. Prohibited Access Areas. (Less than 1% of the shoreline). Prohibited access areas are those in which public access is not allowed or is restricted for health, safety or security reasons. These could include hazardous areas near dams, spillways, hydroelectric power stations, work areas, water intake structures, etc. No Shoreline Use Permits will be issued in prohibited access areas. (Prohibited access areas are shown in orange on Exhibit 1).

7. FLOWAGE EASEMENT LANDS

a. Intent of Acquisition. The Corps of Engineers holds a flowage easement over lands located between the Government fee boundary to the 1080 msl elevation. This easement specifically prohibits structures for human habitation and/or structures which may interfere with project operation during periods of flooding. Also, the easement requires that prior permission be obtained from the Project Manager before any structure or facility can be placed on easement lands/waters. These restrictions will insure that the extent of the flowage easement estates are not compromised and that damage or danger to life and/or property is reduced during flooding.

b. Policy.

(1) All structures suitable for human habitation or that can be modified to accommodate human habitation are prohibited.

(2) All structures that interfere with project purposes (flooding) are prohibited.

(3) Any structure which could be severely damaged or destroyed in the event of flooding is prohibited.

c. Examples of Prohibited Structures.

(1) Structures for human habitation as mentioned above.

(2) Wells and well houses.

(3) Camping units, motor homes, camping vans, or any other temporary means of human habitation.

(4) Attachments of houses such as: sun decks, steps, basements.

(5) Septic Tanks.

d. Structures and Activities That Require Prior Approval. Examples include, but are not limited to, satellite dishes, picnic tables/grills, gazebos, dog houses/pens, storage buildings, sheds, land grading, landscaping, road construction, fences.

e. Filling and Construction on Easement Lands. Filling or construction on easement lands utilizes space allocated for the storage of flood waters. Proposed earth moving operations, including dredging, or construction on these lands must be reviewed by the Corps of Engineers to determine affects on flood storage and wetlands. The Project Manager must be contacted for written permission before proceeding with these activities.

8. ABANDONMENT OF PRIVATE PROPERTY

Title 36, Code of Federal Regulations, prohibits the abandonment, storage, or leaving of unattended personal property on the land or waters of W. Kerr Scott Reservoir. After a period of 24 hours, unattended personal property shall be presumed to be abandoned and may be impounded and stored at a location designated by the Project Manager. The Project Manager may collect a reasonable impoundment fee before the impounded property is returned to it's owner.

9. **SHORELINE TIE-UP OF VESSELS**

Temporary shoreline tie-up is defined as the intermittent moorage of private watercraft along the shoreline during a period of recreational activity. This practice will be allowed as long as a conflict of use does not develop and the tie-ups last no more than a three day period with owners maintaining constant supervision over their vessels. Campers registered at a designated campsite within a park may tie up vessels below their campsites throughout their stay. Watercraft owners are encouraged to contact local marina for extended moorage or apply for a dock or mooring buoy permit.

10. **SHORELINE USE PERMIT/LICENSE**

a. A Shoreline Use Permit/License is required for all private activities and facilities on public lands and water owned by the Corps of Engineers at W. Kerr Scott Dam and Reservoir. A sample application and permit license for shoreline use and conditions of permits are shown in Exhibit 2. These activities and facilities include, but are not limited to, vegetation modification, erosion control, and the placement of floating and land-based facilities. Shoreline Use Permits/Licenses are normally issued for a period of five years. These documents contain general terms and conditions that are uniformly applicable to all permits/licenses issued. However, unique circumstances and problems may require the establishment of additional terms and/or special conditions. All applications for Shoreline Use Permits/Licenses on the reservoir are subject to approval by the Project Manager. Requests for activities not specifically addressed in this plan should be submitted in writing to the Project Manager for review. Should an applicant desire to appeal a decision, they may do so in writing through the Project Manager to the District Engineer.

b. Applicants must be at least 18 years of age. Rangers must meet with the applicant at the Shoreline Use Permit/License location in order to explain the terms and conditions. The on-site meeting also establishes the exact location of all permitted facilities/activities. Applications cannot be accepted through a second party. After the on-site meeting, applicants will receive the permit in the mail. Permits must be returned signed, with fee payment, within 30 days to guarantee the location and facilities approved at the on-site meeting.

c. Issuance of a Private Shoreline Use Permit/License does not convey any property rights or exclusive use rights to the permit holder. They are non-transferrable and become null and void when:

- (1) Both the permittee and his/her legal spouse are deceased.

(2) Legal access to public property at the location of the permit/license is no longer available to the permittee. Loss of legal access usually occurs upon sale or transfer of adjacent private property unless the permittee retains some form of legal access rights to public lands.

Prospective adjacent property owners should not assume that activities being permitted to the present adjacent owner will be allowed to continue. Many facilities or activities are grandfathered only to the present permittee as prior commitments before the establishment of this plan. (See section 11) New and prospective adjacent property owners should contact the Project Manager for information on authorized shoreline uses and permitting procedures.

d. Fees will be collected for specific permitted activities and facilities prior to the issuance of a Shoreline Use Permit/License. A current fee schedule is found in Exhibit 8. Fees are to be mailed or delivered in person to the Resource Management Center along with the necessary applications.

Applicants for a Shoreline Use Permit must submit a signed legal access statement along with their permit application. If a false statement is submitted, the permit/license will be voided. A sketch or drawing must be submitted showing the dimensions and corner pins of the private lot adjacent to government property.

e. Individuals issued a Shoreline Use Permit/License must agree to give the Project Manager or his representative, access over their property for the purpose of inspecting the permitted facilities and/or activities.

f. The Corps of Engineers assumes no liability or responsibility for the safety of individuals engaged in any activity associated with private facilities authorized by the Shoreline Use Permit/License on public property. The permittee assumes full liability and responsibility for the safe conduct of the activity and must assure the safe condition of any permitted structure.

g. All Shoreline Use Permits/Licenses are issued and enforced in accordance with the provisions of Title 36, Chapter III, Part 327, Code of Federal Regulations. Failure to obtain the proper permits/licenses or noncompliance with any of the terms and conditions, general or special, may result in a termination notice. Additionally, restitution for damages and/or the issuance of a citation for violations subjects the violator to a fine of not more than \$500.00 and/or imprisonment for not more than six months.

h. Procedures for obtaining Shoreline Use Permit/Licenses are found in Exhibit 3.

11. PRIOR COMMITMENTS AND GRANDFATHERED FACILITIES

a. Permits/licenses now existing that are not in compliance with the Shoreline Management Plan will be considered as prior commitments and placed under a "Grandfather Clause". These facilities can remain as long as the holder of the permit/license is in compliance with the terms and conditions of the existing permit/license. These facilities have to be maintained in a safe and structurally sound condition and can remain as permitted until a transfer of ownership occurs or the death of the permittee and his/her legal spouse. At this time, the permit becomes null and void and the existing facility must be removed. The new owner applying for a permit must be in compliance with the present Shoreline Management Plan.

b. Grandfather Clauses are sometimes confusing to the general public in shoreline management related activities at W. Kerr Scott Reservoir. To reduce these problems and to improve public awareness and administrative efficiency, a gradual phase-out is planned for these activities. Phase-out of Grandfather facilities and activities will be accomplished as follows:

(1) Docks and Associated Structures. Docks permitted and located in areas other than Limited Development Areas will be considered "Grandfathered". Public Law 99-662, Section 1134 (d) prohibits the forced removal, on or after December 31, 1989, of previously authorized docks and appurtenant structures which were in place on November 17, 1986, providing the following conditions are met:

- (a) Docks must be maintained in usable and safe conditions at all times.
- (b) Such property does not occasion a threat to life or property.
- (c) The holder of the permit is in substantial compliance with the terms of the existing permit.
- (d) Public Law 99-662 applies except where deemed necessary for public purposes, or higher public use, or for a navigation or flood control project.

(2) Land-based Facilities. All authorized land-based facilities, such as steps, walkways, and utility lines permitted prior to this plan and located in areas other than Limited Development are considered "grandfathered". Land-based facilities must be removed at the expense of the permittee should the Shoreline Use Permit/License be terminated for any reason.

(3) Vegetation Modification. Due to significant changes in the terms and conditions of permits issued in the past, many old permits issued before this plan are "grandfathered". This condition will remain as permitted until a transfer of ownership occurs or the death of the

permittee and his/her legal spouse. The new owner applying for a permit must conform to the current Shoreline Management Plan.

(4) Mowed Lawns. Existing lawns developed prior to this plan will be "grandfathered". This allows certain mowing activities to occur legally on public lands. All persons legally mowing public property are required to have a Shoreline Use Permit authorizing such mowing. These activities will remain permitted until a transfer of ownership occurs to the death of the permittee and his/her legal spouse. The new owner applying for a permit must conform to the current Shoreline Management Plan.

a. When ownership changes occur on adjacent private property, reforestation and regeneration will occur in these mowed open areas. Mowing will no longer be permitted in these areas. These areas will be gradually converted to their natural vegetative state by planting and thorough natural regeneration. The government has the right at any time to plant trees and vegetation that will help restore these areas to their natural vegetative state. If any permittee wishes to plant vegetation, they will need to obtain prior approval from the Project Manager. Only native materials as discussed in paragraph 18, will be considered for planting on government property.

12. OFF-ROAD VEHICLE USE

a. The operation of vehicles, including but not limited to automobiles, trucks, motorcycles, mini-bikes, all terrain vehicles, golf carts, utility and lawn tractors, etc., are prohibited on the shorelines of W. Kerr Scott Reservoir with the exception of:

(1) Vehicle use on public lands with prior approval from the Project Manager to place rip-rap or other materials for erosion control will be allowed. In special situations and on a case by case basis, the Project Manager may allow temporary vehicle access on public lands.

(2) Golf carts and slow-moving utility tractors will be allowed on licensed "improved" walkways for the purpose of transporting supplies, equipment, and handicapped persons to the shoreline. Unauthorized vehicular traffic on a walkway may result in the termination of the license.

(3) Riding lawn mowers on a permitted lawn area.

b. Taking any vehicle through, around, or beyond a restrictive sign, recognizable barricade, fence, or traffic control barrier and off of an authorized road is prohibited unless authorized in writing by the Project Manager.

13. PRIVATE INDIVIDUAL FLOATING FACILITIES

All future and existing facilities are subject to the terms and conditions of the permit. New application for floating facilities will be accepted only in Limited Development Areas. New floating facilities shall not be placed on the lake until the application has been approved, fees paid, and a display tag posted by a ranger. Applications will be submitted to the Project Manager as discussed in Exhibit 3.

When a permittee wishes to renew an expired permit, the facility will be inspected by Corps personnel. A new permit application form must be submitted by the permittee along with the appropriate fee. Unless modifications have been made to the facility, there will be no requirement to submit a new or additional plan of the facility. Upon sale of a permitted facility, the new owner must make application for a new permit and will pay the full fee before the new permit is issued. Shoreline Use Permits and fees are nontransferable. They become null and void upon sale or transfer of the permitted facility or the death of the permittee and his/her legal spouse. Floating facilities will not be used for human habitation. Only one floating facility permit will be issued per family household. Ownership of more than one lot adjacent to public land will not form an exception to this policy. Only single slip facilities will be permitted.

a. Location and Spacing. Floating facilities will only be allowed in shoreline areas allocated as Limited Development. Dock locations must be at the location in which the permittee has legal access to government property. Newly approved facilities, to the greatest extent possible, will be placed directly in front of the area where the applicant and government share a common boundary. The exact location will be determined by the Corps with consideration being given to the allocation of space for future applicants. The Corps will also evaluate the exact dock location based on suitability characteristics, such as sufficient water depth, safety and navigational concerns, before approving the final site.

A new floating facility must be located at least 100 feet from all existing facilities at normal lake elevation. This spacing provides a buffer area for boat maneuverability, water level fluctuations, and public safety. This distance is measured from the nearest point of one facility to the nearest point of another facility.

b. Standards for Docks. All plans for new docks, and modifications to existing docks, including gangwalks and any other modifications, must be submitted to and approved by the Project Manager.

c. Plans. Applicant must submit plans for the type and size of dock they wish to build. Plans must be a standard Corps plan, a Corps approved plan certified by a registered engineer or an approved plan used by a reputable dock construction firm on file with the

Corps. Submissions will include engineering details, structural design, anchorage method, type of floatation, and construction material.

d. Size Requirements. The maximum deck space for all docks without slips will be 280 square feet. Boat docks with slips will be allowed 650 square feet including the slip area. Minimum width of slip fingers and center walks on docks is 4 feet. Dock square footage will be calculated excluding the gangwalk. Two-story structures, side walls, and sundecks are prohibited. Sloping roofs for protection of boats will be allowed. All docks must be approved by the Project Manager before they are placed on the lake. The minimum, allowable size of private floating facilities is 80 square feet.

e. Materials. All structural material, decking, nails, bolts, nuts, washers, etc., will be a type designed for aquatic use. All decking should be constructed from pressure treated boards, minimum of 2 inches thick, or marine grade plywood, minimum 3/4 inch. All surfaces must be free of protruding nails. Matting (including carpet) will not be permitted on boat docks.

f. Flotation Material. On all new docks and buoys, flotation shall be of materials which will not become waterlogged (not over 1-1/2 percent by volume ASTM), is resistant to damage by animals, and will not sink or contaminate the water if punctured. Flotation material used in the construction of docks or buoys must meet the criteria listed below:

(1) No metal-covered or injected drum flotation.

(2) Foam bead flotation not subject to deterioration through loss of beads, meets the above criteria and has a minimum density of 1.2 lb/cu.ft.

(3) Foam bead flotation with a density of 1.0 lb/cu.ft., not otherwise meeting the above criteria is authorized provided it is encased in an approved protective coating which meets specifications above. An approved coating is defined as warranted by the manufacturer for a period of at least eight years against cracking, peeling, sloughing, and deterioration from ultra violet rays, while retaining it's resiliency against ice and bumps by watercraft.

(4) Polystyrene foam which has undergone the extrusion process as noted on the Dow plan is acceptable.

Existing unapproved flotation will be authorized to remain until it has severely deteriorated and is no longer serviceable or capable of supporting the structure, at such time it must be replaced with approved flotation.

g. Standards for Walkways. Walkways must connect docks to the shoreline. Unless poor site locations or unsafe conditions exist, walkways shall not exceed 40 feet in length. Walkways will be 36 inches to 72 inches in width. Handrails will be allowed on gangwalks.

(1) When connecting gangwalk sections together or connecting gangwalks to boat docks, all movable joints will have no more than a 2 inch space between them.

(2) Floating structures cannot extend more than 1/3 of the width of a cove at normal pool.

h. Anchoring. All boat docks must be physically attached to the shoreline with a gangwalk and guide poles or steel cables. Cables will not be attached to trees or any other type of vegetation. Cables will be attached to pins anchored to the shoreline above elevation 1030' msl. Concrete anchor pads will be authorized to secure guide poles and gangwalks to the shoreline as shown in Exhibit 5.

i. Storage Compartments. Storage compartments on boat docks will be a maximum of 4 feet high and will not exceed 24 square feet of deck space. No storage locker will exceed the minimum size required for storage of items essential to watercraft operation such as oars, life preservers, etc. The storage compartments must be bolted to the dock, and constructed of treated wood or other pre-approved material. Location of storage compartments must be approved prior to installation.

j. Reflectors. All owners of new or renewed permits are required to supply, install and maintain on their dock at least four 3" x 3" international orange reflectors or the equivalent. These are to be placed on each side of the dock visible to boat traffic. (See Exhibit 6)

k. Prohibited Installations. Installation of slides, diving platforms, and diving boards are prohibited. In addition, AC electric pumps, electric motors (except as part of boat lifts), low voltage lighting, electric lines, cords, and outlets may not be attached to docks and are not considered part of any approved dock plan. All persons having these unauthorized devices on their docks will be given 30 days to remove, or face cancellation of the permit.

l. Boat Lifts. Boat lifts can be placed on docks, however, the lifts cannot cause the dock size to exceed the maximum dimensions described in Paragraph 14 (d) above. Battery or air operated lifts are preferred. Electrical AC motors associated with boat lifts may be permanently fixed to the lift, per manufacturers specifications. Extension cords plugged into a ground fault electrical circuit may be utilized temporarily to operate lift motors. Temporary cords must be removed immediately after use. A permittee may install wire in conduit along the dock to the boat lift motor provided the following conditions are met:

(1) All wiring is certified by an licensed electrician to meet the National Electric Code as found applicable for marina installation. A certification statement is required at initial installation, at each renewal of the permit, and when repairs or modifications are made to any part of the electrical system.

(2) Wiring is connected directly into the boat lift motor with no breaks for receptacles, lighting, or other electrical connections.

(3) No permanent electrical connection from the dock to shore. The electrical service on shore must be protected by a Ground Fault Circuit Interrupter (GFCI) breaker.

14. **PRIVATE NON-FLOATING FACILITIES**

Applications will be accepted for the privilege of placing certain non-floating private facilities in areas classified as Limited Development Areas. Facilities that can be permitted include utility lines (electric), improved walkways/steps and handrails. Permits can also be issued for minor modification of the vegetative cover. Vehicular access to the shoreline is not allowed unless specifically permitted by the Project Manager.

15. **ACCESS REQUIREMENTS FOR OBTAINING SHORELINE USE PERMITS/LICENSES**

(a) All persons applying for a Shoreline Use Permit/License must have Corps approved pedestrian legal access within 500 feet of their proposed permit. Applicants for a Shoreline Use Permit/License must have direct access to public property and must provide a recorded deed, lease, or easement agreement. Lease or easement agreements must be for a five year minimum term. A plat of the adjacent private property, with dimensions of ownership, lease, or easement clearly delineated, must be furnished for inclusion in the Shoreline Use Permit/License application. Public roads do not constitute legitimate access. However, in situations where a public road and public land have a common boundary, adjacent landowners along this road/boundary may be considered as having access.

(b) In sub-divisions where a dedicated easement or access corridor provides legal access to public lands and waters for all sub-divisions landowners, the access corridor will be considered a legal access for applying for Shoreline Use Permits/Licenses. Spacing for community docks and other permitted facilities may be reserved at these dedicated public access corridors if requested by the sub-division's recognized landowner association.

16. **COMMUNITY OR MULTI-OWNERSHIP DOCKS**

a. **General.** Use of community docks is encouraged to reduce the proliferation of individual moorage facilities. Community docks will be subject to the same shoreline allocation requirements and fees as stipulated for individual facilities. Shoreline Use Permits/Licenses authorizing community moorage facilities will be considered when it has

been determined that there is a need for moorage in a particular area, access to the area is available, and an appropriate site location exists for community mooring. Community docks will be considered in areas that do not conflict with commercial marina services, public launching facilities, or other access points. (See Exhibit 8 for current fees and Exhibit 2a for "General Conditions" relating to this type of permit.

b. Applicant. A written document must be provided to include the names, addresses, signatures of the individual members, and any other pertinent information relating to the proposed community dock. This document must designate an association member who will sign the permit.

c. Size of Facility. The maximum number of slips allowed for any one community floating facility is 20 slips. A slip is defined as a mooring opportunity for one vessel. End and side moorings will be included in the total number of slips which may be approved. The combined area of the first two slips can not exceed 1225 square feet. Each additional slip can not exceed 500 square feet. Actual size of the facility may be reduced by the availability and suitability of the area, as determined by the Project Manager.

d. Access. All applicants must provide a recorded deed and plat showing the common access for their association members.

e. Construction Criteria. Plans showing the details of construction and the location of the facility within the permit area must be submitted along with the application. Construction requirements will be the same as those outlined for private floating facilities with the exception of allowing an anchoring bulkhead. Plans must show the dock configuration and maximum number of slips proposed. Installation may, however, be accomplished in phases. Gangwalk and center walkway widths may vary from a minimum of three feet to a maximum of six feet. Slip fingers may not be less than three feet nor exceed four feet in width. Approval of plans will be required prior to the placement of mooring facilities on the reservoir. No deviation or change from approved plans will be permitted without prior written approval.

f. Maintenance of Facility. The applicant may collect fees in an amount necessary to maintain the community dock facilities and to assure the removal of the facility upon termination of the Shoreline Use Permit.

g. Spacing Requirement. A minimum of 200 feet spacing is required between and on each side of a community dock of 10 slips or less. On community docks exceeding 10 slips, a minimum spacing of 300 feet is required.

h. Offshore Moorage. Offshore anchoring or moorage will not be permitted in conjunction with a community dock facility.

i. Special Conditions of Community Floating Facilities. The designated representative shall sign a statement certifying that the regulations and conditions covering the issuance of the permit have been read and understood. The applicant should be aware of the following special conditions or submittal necessary prior to approval of a community dock:

(1) The term of the permit will not exceed five years.

(2) The name, address, and phone number of a person designated by the association that will provide 24 hour surveillance of the dock and receive correspondence from the Corps must be supplied. The Project Manager must be advised of any changes in this designee.

(3) The association must provide a current list of boat registration numbers of the members' boats to be moored. Members must permit other individuals having legal access to the facility to join its membership until such time that all slips are occupied. Only boats owned by association members may be moored at the facility. One boat slip is allowed per family household.

(4) The United States shall not be held responsible for damage to any property or injuries to any person or persons which may involve the facility authorized under this permit.

(5) Commercial activities of any kind are prohibited.

(6) Vessels or other watercraft, while moored in the facility, may only be used for overnight occupancy when such use is incidental to recreational boating. Vessels or other watercraft are not to be used as a place of habitation or residence.

(7) The permitted facility shall be subject to periodic inspection by Corps of Engineers personnel. If an inspection reveals conditions causing pollution of public lands or water or conditions which make the facility unsafe in any way or which deviate from the approved application and plans, such conditions will be corrected immediately by the permittee upon receipt of notification.

(8) The construction and operation of the permitted facility shall not unduly obstruct or inhibit the free public use of the shoreline.

(9) Operation of the facility shall be conducted in accordance with all Federal, State, and local laws and regulations.

(10) The operation of the permitted facility shall in no way be discriminatory against any person or persons because of sex, race, creed, color or national origin. Any person owning or holding a long-term interest in residential property in the subdivision/association shall be eligible for moorage privileges at the permitted facility.

(11) Dock plans conforming to requirements of Paragraph 16 (e) are to be approved by the Project Manager.

17. **REFORESTATION AND REGENERATION OF OPEN AREAS**

a. Planting of vegetation on public property may be allowed provided it is in accordance with an approved planting plan. Planting of vegetation is encouraged only when native plant materials are used. Upon planting, all materials become public property and cannot be removed without a permit. Ornamental flower beds, azaleas, and other non-native plants are not authorized.

18. **VEGETATIVE MODIFICATION**

(See Exhibit 8 for current fees and Exhibit 2a for permit/license conditions relating to the permits)

a. **Underbrushing.** Underbrushing is defined as the selective cutting and continued control of woodland understory vegetation (weeds, vines, briars, etc.) and the thinning of tree saplings, as stipulated in the terms of the permit. Shoreline Use Permits for removal of underbrush are allowed on shorelines classified as Limited Development, and in special circumstances in areas classified as Protected Shoreline. Regardless of the shoreline classification, the Project Manager may add special restrictions to the permit to protect environmental features such as cultural resource sites, highly erodible slopes, or unique vegetative species. The following specific conditions or terms apply to all Shoreline Use Permits authorizing underbrushing:

(1) Underbrushing can be authorized to adjacent landowners or renters having legal access to the public property covered under the permit. Generally, only one underbrushing area per individual will be authorized. However, more than one area may be allowed provided it is associated with an existing dwelling or one under construction.

(2) Upon approval of this plan the maximum permit area size limit of a new underbrush area is limited to a width of 100 feet. This 100 foot wide permit area generally runs from the government's boundary line down to the water and cannot exceed one acre (43,560 square feet) in size. The underbrush area will be marked in the field by the ranger using paint spots or markers. All existing underbrushing areas currently larger than the 100 foot width requirement will be grandfathered. If the present permit area is less than 100 feet in width, the permittee may request a review by the Project Manager to determine if a larger size area is applicable.

(3) The Corps reserves the right to re-vegetate the shoreline when tree spacing falls below acceptable minimum stocking level. This might occur in the case of timber

events may require the planting of vegetation and trees within the designated underbrushing area. If plantings occur the permittee is required to protect these trees from future cuttings.

(4) New underbrush areas established after the approval of this plan require that native trees, seedlings, or saplings be maintained at a spacing of no less than 15 feet on center regardless of tree diameter. If tree stocking falls below this minimum level then additional trees will be established. This will occur by planting or through natural regeneration.

(5) Under no circumstances will native ornamental trees or shrubs be cut without prior approval of the Project Manager. Native ornamental vegetation includes, but is not limited to dogwood, holly, redbud, wild azalea, rhododendron, and mountain laurel.

(6) Cutting of healthy trees to obtain a view is prohibited. Payment of assessed damage and restoration may be required to correct any underbrushing in excess of that allowed by the permit. In areas where unauthorized underbrushing or clearing has occurred, the government may limit or prohibit underbrushing permits. This prohibition may continue until the area has been restored and reevaluated by the Project Manager.

(7) Within the underbrush area, vegetation having a stump diameter less than three inches (measured within one inch of ground level) may be cut or mowed, provided it is not protected under a special condition.

(8) Within the designated underbrush area, lawn mowers, weedeaters, and chain saws can be utilized to cut brush provided they do not damage the remaining vegetation. The use of bush hogs and other heavy equipment, such as tractors and bulldozers, are not permitted on government property except in unusual circumstances and with approval of the Project Manager. If mowing is selected as a means to control brush within the permit area the permittee must establish trees at a minimum spacing of 15 feet x 15 feet. Vegetation cut on government property will be disposed of by the permittee.

(9) Within and underbrush area, the permittee will delineate the government property line, as surveyed and marked by the government, in a clear but unobtrusive manner in accordance with this plan. This delineation may include, but is not limited to, boundary plantings of approved species and fencing on private land. The delineation will be accomplished at no cost to the government.

(10) Vegetation cannot be cut to establish a new roadway within the underbrush area. Existing roads must be maintained under an appropriate "letter of authorization".

(11) The furnished Shoreline Use Permit Sign must be posted at the location designated by the Project Manager. When an underbrushing permit is associated with a dock the permit sign is placed on the dock.

(12) Establishment of grass lawns is not allowed, or any activity which creates the appearance of private ownership and control of public lands.

(13) A permit for underbrushing may be authorized up to 100 feet from a residence to provide a reasonable degree of fire safety protection. This allows permittee's to cut dead trees, remove thick brush, and dispose of dead limbs and other potential fire hazard materials.

It does not allow the cutting of live trees or the removal of vegetation or trees to obtain a view. In protected areas, the ranger may deny the permit in order to protect environmental or physical characteristics for which the area was designated as protected. The removal of dead trees and limbs and other potential fire hazard materials may be removed if authorized by the Project Manager.

(14) Any tree(s) or limb(s) (alive, dead or diseased) located on public property which threatens or may come to threaten the permittee's personal property may be removed after the permittee receives approval from the Project Manager or his representative. The permittee will be responsible for the costs of removal. Any cut trees must be removed from government-owned lands.

b. Seeding. The planting of grass by the broadcasting of seed is permitted for erosion control purposes. Soil disturbance activities such as mechanical disking or plowing are not authorized.

c. Limbing. Dead or dangerous limbs may be pruned. Pruning of living vegetation is permitted but must be limited to small limbs less than one inch in diameter and located within 10 feet of the ground.

d. Burning. Burning of piled brush resulting from underbrushing or other activity is permitted below the Government fee boundary provided all fire laws are observed and other vegetation is not damaged. The burning-off or the total removal of leaves and other natural materials is prohibited because of associated soil erosion problems.

e. Herbiciding. Use of herbicides is permitted on certain noxious plants such as poison ivy and kudzu. Prior to using, it must be approved by the Project Manager and noted on the Shoreline Use Permit. Use of herbicides must be in accordance with the manufacturer's label and all Federal, State, and local codes.

f. Foot Paths. In Limited Development and Protected Shoreline Allocations where underbrushing is not applicable, a Shoreline Use Permit authorizing a foot path may be obtained to provide safe access to the water. This permit will allow the permittee to clear vegetation within a five foot swath. The path must be routed to minimize the effects on vegetation and the location must be approved by the Project Manager. Foot paths cannot be utilized as roadways by motorized and/or off road vehicles.

g. Miscellaneous Vegetation Removal. Other short term vegetation removal activities available to the public are described below:

(1) Dead or Danger Tree Permit. A Shoreline Use Permit may be obtained to cut dead, dangerous standing, or downed trees for use as firewood and/or to eliminate an unsafe condition. Individual trees must be marked by a ranger before cutting. All debris must be disposed of so as not to create a safety hazard. Deadwood removal must be accomplished without damaging other vegetation or creating a roadway. Standing dead trees within designated wildlife areas deemed beneficial to wildlife may be reserved provided they are not considered potential safety hazards. If the purpose of cutting dead trees is to obtain firewood, a fee may be charged for a deadwood permit provided multiple trees are requested and the amount of wood involved exceeds one cord.

(2) Driftwood Removal. A Shoreline Use Permit may be obtained to remove or burn driftwood and other debris which have accumulated along the reservoir shoreline. This permit may authorize the use of motorized equipment below the government fee boundary. If motorized equipment is utilized the permittee may not damage public property, vegetation, or construct a road way to the work area. Burning of piled debris must be accomplished in compliance with all applicable local and state burning laws. This permit may be obtained from the project manager at no cost.

(3) Wildlife Food Plots. The planting of wildlife food plots may be authorized by the Project Manager to promote increased wildlife food and cover. Planted material is for wildlife consumption and use only and cannot be harvested. This permit may be obtained from the project manager at no cost.

19. LAND-BASED SHORELINE USES

a. A Shoreline Use Permit/License for certain land-based facilities may be granted to applicants having legal access to public property along shorelines allocated as Limited Development. This Permit/License is not required for structures placed on flowage easement lands. However, facilities placed on flowage easement lands must be installed according to all appropriate governmental regulations, codes, and permits. Installation must also be in compliance with easement rights and privileges acquired by the Corps of Engineers.

b. The following special conditions apply to all land-based facilities:

(1) The ranger will designate and/or approve the facility location to minimize the adverse effect on public property.

(2) The facility must be installed within six months of the date in which the license was granted. Within (15) days after installation, the Resource Management Office must be notified so that an inspection of the facility can be scheduled.

(3) No work shall take place on public property prior to issuance of the Shoreline Use Permit/License.

c. Electric Utility Lines. Electric lines licensed on public property are subject to specific conditions as listed below:

(1) Although in the past above-ground lines were allowed, all new electric lines must be installed underground. (See Exhibit 4). A copy of an Electrical Line Certification Statement, provided with the permit application, must be signed by a licensed electrician and provided to the Project Manager within fourteen (14) days after installation (See Exhibit 4a). A new signed certification statement will be required at each permit renewal if the line has been altered in any way. This signed statement certifies that all conditions and requirements have been met.

(2) Electrical systems cannot exceed 120 volts and shall have Ground-Fault Circuit Interrupter (GFCI) protection at the circuit breaker box on private property. No exceptions will be allowed. Installation and materials must meet the minimum standards as described in the National Electrical Code (NED) for outside, wet locations.

(3) All overhead wiring, fixtures, and receptacles must be located at least 2 feet above the Maximum Flood Pool Elevation. The Maximum Flood Pool Elevation is 1,080 feet msl.

(4) All outdoor fixtures and receptacles must be approved for outside, wet locations. Wiring may not be attached to trees or extend onto any floating facilities. All above-ground wiring (except that utilized to span between poles) must be fully enclosed in conduit and boxes approved for outside, wet locations. Exposed splices are not allowed.

(5) A master cutoff switch must be installed on the permittee's private property (may be inside of dwelling). This switch must be kept in the "OFF" position, except when the owner or guest is present.

(6) All poles must be either metal, treated wood, or commercially built poles and located at least 50 feet apart. The lowest utility pole must not be located below the 1,080 msl. elevation. All points of span wire found between poles must be 10 feet or higher from the ground. Lighting fixtures must be attached to utility poles. Existing lines having "Festoon" or spliced-in lighting running along the span wire must be replaced with pole mounted lights at such time that inspections reveal the facility needs rebuilding for safety reasons.

(7) Proposed locations must have approval of the Project Manager. The permittee is responsible for obtaining local permits necessary for that portion of the line installed on private property.

(8) Electrical pumps and motors are not allowed on government lands with the exception of portable boat lift pumps.

(9) Cuts for underground installation must be seeded.

d. Improved Walkways and Steps. All improved walkways and steps providing access across government lands require a Shoreline Use Permit/License. The use of materials, natural or man-made, for the purpose of delineating a pathway or improving access is defined as an improved walkway. Unless a license is re-issued to another party, all walkway and step improvements will be removed from public property at the expense of the Licensee upon termination of the Shoreline Use Permit/License. Walkways and steps authorized on public property are subject to the conditions listed below:

(1) The walkway is not to exceed five feet in width. However, if the walkway is associated with a community floating facility the walkway may be six feet wide. Walkway and step permits are available for the purpose of providing a safe access to reservoir waters. These facilities are not to include sitting decks or landings.

(2) Concrete and asphalt walkways are no longer allowed. Exceptions may be granted to individuals having a person with a walking disability and requiring a substantial walkway to accommodate a wheelchair. Persons with disabilities requesting this exemption must furnish the Project Manager a "Certificate of Disability" or letter from a physician. Concrete walkways in place can be re-assigned to a new landowner but must be replaced with an approved non-concrete design when it deteriorates to point of requiring replacement. If stepping stones are utilized they must not exceed six square feet in size to facilitate easy removal upon termination of the permit.

(3) Steps and walkways must follow a route, taking topographic conditions into account, of the Project Manager for the purpose of minimizing the adverse impact on public property and other permits/licenses.

(4) Walkways and steps authorized cannot be physically attached to any private dwelling. There must be at least a three-foot separation. Structures extending across the boundary line from private dwellings are considered encroachments. The Project Manager may also designate several breaks in handrails and walks to facilitate lateral pedestrian access.

(5) If a substantial structure is being considered, detailed plans for the construction of the steps or walkway will be required (See Exhibit 7). All carpentry and construction must

meet all state and local codes. All lumber must be commercially pressure treated and approved for outdoor ground contact use.

(6) Natural unimproved pathways not causing any detriment to the environment do not require licensing. Natural unimproved pathways causing erosion or detrimental effects on the environment will be placed under a footpath permit for corrective action and monitoring.

(7) Walkways cannot be used for vehicular traffic, including off-road vehicles, all terrain vehicles, motorbikes, and other similar motorized equipment. However, golf carts and small slow-moving utility tractors will be permitted on improved walkways for the purpose of transporting supplies, equipment, and persons with disabilities to the shoreline. Unauthorized vehicular traffic on a walkway may result in the termination of the license.

(8) The walkway and step permittee cannot restrict the general public's use of any permitted walkway or step located on public property.

e. Water Utility Lines. Water utility lines authorized on public property are subject to certain specific conditions listed below:

(1) All raw water utility lines require an anti-siphon device. Showerheads are not permitted for health reasons.

(2) The type of pump and its location must be noted on the application. Electric pumps and motors cannot be placed on reservoir land.

(3) The location of underground lines requested by the permittee must be designated by the Project Manager to minimize the impact on public property and other permits/licenses issued in the area. All new permanent water utility lines, and those existing being renovated, must be placed underground for the purpose of reducing conflicts with other uses of public land. Cuts for underground lines must be seeded.

f. Miscellaneous Utility Lines. Miscellaneous utility lines may be considered on a case by case basis. This may include the underground installation of air lines to facilitate the operation of boat lifts.

20. EROSION CONTROL ACTIVITIES

a. Shoreline Erosion. W. Kerr Scott Reservoir shoreline areas are subject to extreme erosion. Although it is not economically feasible to implement an extensive shoreline erosion control program, the Corps is interested in retarding erosion whenever possible. The Corps' first priority for its limited erosion control funds are the shorelines associated with developed

recreation areas. However if individuals, private groups or non-Federal public agencies desire to perform erosion control on government property, the Project Manager may:

(1) Issue a cost free permit for the work if the work can meet specifications of Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act. Protection activities must not exceed one cubic yard per linear foot of fill and not exceed 500 linear feet of shoreline. Nationwide and regional permits may apply.

(2) Use a challenge cost-sharing agreement to provide for maintenance of natural resource features of the project when the activities supplement the Corps erosion control program and operation and maintenance cost will be reduced. Partners may contribute cash, materials, personal property or services as their portion of the challenge cost-sharing agreement. The Corps may contribute based on availability of funds to work accomplished by the partner. All environmental requirements will be met. Cost sharing agreements will be on a first come, first serve basis and dependent on available funds.

(3) Establish a cooperating association agreement. Associations are non-profit, tax exempt corporations whose partnership with the Corps results in the enhancement of and contributions to the Corps mission, particularly in regard to the natural resource management. Associations will follow all appropriate state and Federal laws and regulations to establish and maintain a non-profit and tax exempt status and must comply with all environmental requirements. Associations must also have liability insurance. Associations can aid applicants by providing financial, technical and physical assistance in complying with requirements of this plan as is relates to shoreline erosion control. The Association may solicit tax deductible donations from private companies and individuals of conducting the above mentioned activities on public land.

b. Erosion control activities include:

(1) Riprap, if used, must be natural stone 6 to 12 inches in diameter and be clean of unnatural materials and building rubble. Riprap material should be placed on a filter cloth material or bedding stone as approved by the Project Manager.

(2) All vegetative planting or seeding must be of an approved species. Grass planting for erosion control will not be mowed.

(3) Retaining walls for the purpose of stabilizing shoreline erosion are normally not permitted, but may be considered if extenuating circumstances exist which prevent the use of other approved methods. Retaining walls require design certification by a state licensed civil or structural engineer experienced in retaining wall construction. In addition, review is required by appropriate District Corps offices.

c. Trail Erosion. Trail erosion is generally caused by overuse of an area by either foot or vehicle traffic. When overuse of an access route to the shoreline is creating an erosion problem, use of the trail must cease. Another alternative is for the users to make application for an improved walkway. When vehicles utilizing authorized vehicle access trails are causing an erosion problem, portions of existing roads may be closed as a soil erosion control measure.

21. **DUCK BLINDS**

Permits for duck blinds will be issued on a hunting season basis. Duck blinds will not be allowed near open public recreation areas, nor where they would create a safety hazard to the public. The permittee will be required to moor the duck blind to the shore or remove it from the reservoir after each use. Permits for duck blinds will be issued to cover a period not to exceed 30 days prior to and 30 days after the season. (See Exhibit 8 for current fees).

22. **SKI JUMPS**

Due to the potential safety hazards, ski jumps will not be allowed on W. Kerr Scott Reservoir.

23. **PROHIBITED PRIVATE FACILITIES AND ACTIVITIES**

Title 36, Chapter III, Part 327 Code of Federal Regulations apply to public lands and certain activities and facilities are prohibited. Examples of such violations may include, but are not limited to unauthorized off-road motorized vehicle operation, placement of debris, fill or dirt, dog pens/houses, swings, patios, roof overhangs, roads, ramps, turnarounds, land based bathhouses, fixed gangwalks, picnic shelters, piers, floating swimming platforms, pilings or posts, sewage or outfall structures, fences, trolleys or tramway, channel or litter, or the installation of non-permitted facilities. In addition, non-permitted tree cutting/burning, non-permitted vegetation modification or alteration of the landscape of any kind is prohibited.

Violations of this nature may result in removal, restitution, and/or issuance of a citation under Title 36, Chapter III, Part 327 Code of Federal Regulations which may require appearance before a Federal Magistrate and/or the payment of a fine.

A copy of the Title 36 Rules and Regulations can be obtained at the W. Kerr Scott Management Center. Permit holders, adjacent land owners and other members of the public with interests or concerns regarding public land at W. Kerr Scott Lake should become familiar with the Title 36 Regulations.

24. GOVERNMENT ACCESS ACROSS PRIVATE PROPERTY

A valid permit/license is considered tacit approval by the permittee for Government personnel on official business to cross private property to gain access to public property. Purposes for access include inspection of permitted facilities, permitted activities, renovation of boundary lines, and checking 1080 msl elevation.

25. BOUNDARY LINE AND ENCROACHMENTS

a. The boundary line at W. Kerr Scott Reservoir has been established and marked by the Corps of Engineers in accordance with standard survey techniques. The boundary line is marked utilizing a series of orange painted hacks and blazes on line and witness trees (See Exhibit 9). In open areas where the distance between corners is such that the monuments or pins are not visible, boundary line posts are used by the Corps of Engineers to witness the line. Whenever possible, witness posts with appropriate identification will be placed near existing corner pins. These pins and posts should not be moved or destroyed.

b. The Corps of Engineers regularly repaints the boundary line. This ensures that the existing boundary line is not lost due to development or natural causes. If a private need arises for the exact location of the common government/private property line, the adjacent property owner (at their expense) must utilize a licensed surveyor. The Corps of Engineers will provide to surveyors or property owners information which might assist in the location of boundary lines and property corners. This information is kept at the Management Center. Any discrepancies identified by the survey should be resolved with the Project Manager.

c. Any activities, other than public recreational activities or pedestrian access, which are not covered by a Shoreline Use Permit/License may be considered an encroachment or degradation of public property. Unauthorized activities are considered violations of the Rules and Regulations contained in Title 36, Chapter III, Part 327, Code of Federal Regulations which may result in removal, restitution, and/or issuance of a citation requiring the payment of a fine and/or the appearance before a Federal Magistrate.

26. PERMITS - GENERAL INFORMATION

a. Application. Applications for Shoreline Use Permits will be submitted to the Project Manager. Applications will be approved according to the policies established. Applicants for floating facilities must have legal access to the shoreline either by public road, ownership of adjoining property, or right-of-access across adjoining property.

Prior to any construction applicants shall submit for approval plans and specifications of the facility proposed. Plans should include: engineering details, structural design, anchorage

expected duration of use of the facility and a statement of willingness to abide by the rules and regulations and conditions of the permit. Lakeshore Use permits will be issued by the Project Manager for periods of 5 years. Permits can be terminated by the District Commander whenever he determines that the public interest requires such termination or that the permittee has failed to comply with the conditions and terms of the permit or this Shoreline Plan. Specified Act Permits will continue to be issued by the Project Manager as necessary, for short terms, to provide for corrective measures such as tree removal and erosion control.

b. Shoreline Use Permits. Shoreline Use Permits are issued for boat docks, access paths, underbrushing and other activities which do not in any way involve a disruption to or a change in land form. Upon sale of the permitted facility or death of the permittee/spouse, the permit shall be null and void. A new permit may be issued to the new owner after an application has been made and permit fees paid.

c. Department of the Army Permits. Activities such as dredging, construction of fixed structures, including fills and combination fixed-floating structures and the discharge of dredged or fill material in navigable waters will be considered under conditions specified in permits issued under authority of Section 10, River and Harbor Act of 03 March 1899 (33USC 403) and Section 404 of the Federal Water Pollution Control Act (33 USC 1344). Shoreline Use Permits will NOT be issued under these circumstances.

d. Real Estate Instruments. All commercial development activities and all activities by individuals which involve grade, cuts, fills, and other changes in land form such as commercial power line right-of-ways will be covered by a lease, license or other grant. Individuals interested in these activities should contact the Project Manager.

e. Appeal of Disapproval or Revocation of Permits. The District Commander may revoke a Shoreline Use Permit whenever he determines that the public interest necessitates such revocation or when he determines that the permittee has failed to comply with the conditions of the permit. The permittee will be notified by certified mail. The revocation notice shall specify the reason for such action. If within 30 days of receipt of the notice, the permittee makes a written request for a hearing, the District Commander shall grant such a hearing at the earliest opportunity. In no event shall the hearing date exceed 60 days from the date of the hearing request.

f. Duration and Administrative Fees. Permits for private floating facilities, community floating facilities, utility lines, vegetative alterations, authorized shoreline work and path construction will be issued for a five year period. The total fee amount will be due upon issuance of the permit. Fees may be paid in the form of cash, check, or money order payable to "FAO, USAED Wilmington." A receipt will be given for all cash transactions. All fees should be paid to the Project Manager at W. Kerr Scott.

g. Posting of Permits. Permittee will be furnished a 5" x 8" printed permit tag for posting on floating structures or other facilities. A 5" x 8" tag will be issued for vegetative modification or erosion control structures and shall be posted facing the water for inspection on a 4" x 4" pressure treated wooden post. In the event that the original permit holder terminates his interest in the property, the permit automatically becomes void. (Information of permits, fees and related information is summarized in Exhibit 8). Any lost, stolen, damaged or sun faded permit tags shall be replaced at the permittee's expense. Additional permit tags can be purchased from the Project Manager. Failure to display legible permit tags shall be grounds for terminating the permit.

27. CONCLUSION.

a. It is the intent of the W. Kerr Scott Shoreline Management Plan to provide guidance for the protection and preservation of the desirable environmental qualities of the lake and surrounding public lands. As presented, the W. Kerr Scott Shoreline Management Plan is and will continue to be a flexible and working document.

b. Natural Resources Management personnel at W. Kerr Scott Lake will continually monitor the needs of the lakes recreational users and recommend revisions to minimize conflicts between various interests. The shoreline management plan will periodically be reevaluated, revised and submitted to higher authority for approvals.

c. W. Kerr Scott Reservoir Natural Resource Management personnel are available to answer questions concerning this Shoreline Management Plan and its policies. The Resource Management Office is located three miles west of Wilkesboro, North Carolina, on NC Highway 268. Mailing address is W. Kerr Scott Dam and Reservoir, U.S. Army of Corps of Engineers, P.O. Box 182, Wilkesboro, North Carolina 28697-0182. Telephone numbers are (910) 921-3390 or (910) 921-3750.

APPLICATION FOR SHORELINE USE PERMIT

(ER 1130-2-406)

(See reverse side for Privacy Act Statement)

Print or type information requested below. Submit two completed and original signed copies of this application with two complete/sets of plans and specifications to the Resource Manager.

PROJECT		DATE OF APPLICATION	
NAME OF APPLICANT (and Spouse if applicable)		TELEPHONE, AREA CODE AND NUMBER	
STREET		CITY, STATE, ZIP CODE	
TYPE OF FACILITY (Check one or more blocks as appropriate) <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input type="checkbox"/> NEW <input type="checkbox"/> RENEWAL </div>			
<u>WATER-BASE</u> <input type="checkbox"/> SINGLE-OWNER DOCK <input type="checkbox"/> COMMUNITY DOCK <input type="checkbox"/> MOORING BUOY <input type="checkbox"/> MOORING POST		<u>LAND-BASE</u> <input type="checkbox"/> SKI JUMP <input type="checkbox"/> SKI COURSE <input type="checkbox"/> SWIM FLOAT <input type="checkbox"/> DUCK BLIND <input type="checkbox"/> UNDERBRUSHING <input type="checkbox"/> PLANT / LANDSCAPING <input type="checkbox"/> EROSION CONTROL <input type="checkbox"/> MOWING <input type="checkbox"/> FOOT PATH	
<input type="checkbox"/> OTHER (Describe) _____			
BRIEF DESCRIPTION OF FACILITY LOCATION, STATE LICENSE NUMBER(S) OF BOAT(S) TO BE DUCKED (if this application is for a boat mooring facility) OR DEVELOPMENT (if this application is for land use)			
THE FOLLOWING ALTERNATE PARTY WILL BE READILY AVAILABLE ON SHORT-NOTICE CALL AND RESPONSIBLE FOR PROVIDING ANY NEEDED SURVEILLANCE OF THE STRUCTURE IN MY ABSENCE.			
NAME		TELEPHONE, AREA CODE AND NUMBER	
STREET		CITY, STATE, ZIP CODE	
I UNDERSTAND AND AGREE TO THE CONDITIONS OF THE PERMIT FOR SHORELINE USE. TWO COMPLETE SETS OF THE PLANS AND SPECIFICATIONS, INCLUDING SITE LOCATION AND LAYOUT PLAN, FOR THE PROPOSED ACTIVITY STRUCTURE OR ANCHORAGE SYSTEM ARE ENCLOSED.			
_____ (Date)		_____ (Signature of Applicant)	
_____ (Date)		_____ (Signature of Alternate)	
(DO NOT WRITE BELOW THIS LINE)			
PERMIT			
SHORELINE PERMIT NO		DATE ISSUED	
		DATE EXPIRES (Date)	
THE APPLICANT IS HEREBY GRANTED A PERMIT TO CONSTRUCT AND/OR MAINTAIN AND USE A FLOATING RECREATION FACILITY OR OTHER DEVELOPMENT AS SHOWN ON THE ATTACHED PLANS SUBJECT TO THE RULES AND REGULATIONS OF THE CORPS OF ENGINEERS ON WATERS UNDER THE CONTROL OF THE U.S ARMY, CORPS OF ENGINEERS. THE PERMITTEE SHALL ADHERE TO THE CONDITIONS FOR SHORELINE USE SET FORTH IN APPENDIX C OF ER 1130-2-406			
_____ (Date)		_____ (Signature of Resource Manager)	

DATA REQUIRED BY THE PRIVACY ACT OF 1974

AUTHORITY	The Rivers and Harbors Act of 1894 as amended and supplemented (33 U.S.C. 1)
PRINCIPAL PURPOSE	Provide the Corps of Engineers with information for contact of the responsible person applying for and/or receiving a Shoreline Management permit. The description of the activity is needed to assure conditions of the permit requirements are met.
ROUTINE USES	The information on this application is used in considering the issuance of shoreline management permits on Corps of Engineers projects. This information is collected and maintained at project offices and is used a basis for issuing permits. It provides auditing information for this program which has financial involvement.
DISCLOSURE	Disclosure of information is voluntary. However, failure to provide the requested information will preclude the issuance of a Shoreline Management permit.

PERMIT/LICENSE CONDITIONS

This Permit/License is granted subject to the following conditions:

1. The grantee shall pay, in advance, to the United States, compensation in accordance with the fee schedule attached hereto as Exhibit "B."
2. The exercise of the privileges hereby granted shall be without cost or expense to the United States, under the general supervision and approval of the officer having immediate jurisdiction over the property, hereinafter referred to as "said officer," subject to such regulations as may be prescribed by him from time to time, and is subject to the Government's navigation servitude, to rules published in Title 38, Code of Federal Regulations, Part 327, and to all applicable federal, state and local laws and Regulations.
3. Any property of the United States damaged or destroyed by the grantee incident to the exercise of the privileges herein granted shall be promptly repaired or replaced by the grantee to the satisfaction of the said officer, or in lieu of such repair or replacement the grantee shall, if so required by the said officer, pay to the United States money in an amount sufficient to compensate for the loss sustained by the United States by reason of damage to or destruction of Government property.
4. The grantee agrees to and does hereby release and agree to save and hold the Government harmless from any and all causes of action, suits at law or equity, or claims or demands or from any liability of any nature whatsoever for or on account of any damages to persons or property, including the approved facility, growing out of the ownership, construction, operation or maintenance by the grantee of the approved facilities. The Government shall in no case be liable for any damage or injury to the approved facility which may be caused by or result from subsequent operations undertaken by the Government for the improvement of navigation or for other lawful purposes, and no claims or right to compensation shall accrue from any such damage.
5. Should the grantee cease to operate and/or maintain the approved facility, or upon expiration or revocation of this Permit/License, the grantee shall remove his facility within 30 days, at his expense, and restore the water and land area to its former condition. If the grantee fails to remove and restore the premises to the satisfaction of the said officer, the said officer may do so by contract or otherwise and recover the cost thereof from the grantee.
6. This Permit/License may be terminated by the grantee at any time by giving to the Secretary of the Army, through the said officer, at least ten (10) days notice in writing, provided that, in case of such termination, no refund by the United States of any fee theretofore paid shall be made.
7. No attempt shall be made by the grantee to forbid the full and free use by the public of all navigable waters or Government-owned shoreline, at or adjacent to the approved facility.
8. Boat mooring buoys and flotation units of floating facilities shall be constructed of materials which will not become waterlogged or sink when punctured.
9. Structures are subject to periodic inspection by Corps rangers. If an inspection reveals conditions which make the facility unsafe in any way or conditions which deviate from the approved plans, such conditions will be corrected immediately by the owner upon receipt of notification. No deviation or changes from approved plans will be permitted without prior written approval of the said officer.
10. The grantee agrees that if subsequent operations by the Government require an alteration in the location of the facility or, if in the opinion of the said officer, the facility shall cause unreasonable obstruction to navigation or that the public interest so required, the grantee shall, upon written notice from the said officer, remove, alter, or relocate the facility, without expense to the Government.
11. No improvement authorized is to be used for human habitation. Household furnishings are not permitted on boat piers, boathouses, or other structures. No houseboat, cabin cruiser or other vessel shall be used for human habitation at a fixed or permanent mooring point.
12. No charge may be made for use by others of the facility nor shall commercial activities be conducted thereon.
13. The display tag provided for permitted items shall be posted on the facility or on the land areas covered by the Permit/License so that it can be visually checked with ease in accordance with instructions of the said officer.
14. No vegetation other than that prescribed may be damaged, destroyed or removed. No change in landform such as grading, excavation or filling may be done. No vegetation planting of any kind may be done, other than that specifically prescribed.
15. This Permit/License is nontransferable. Upon the sale or other transfer of the facility or upon the death of the grantee, this instrument is null and void. Grantee agrees to contact the Natural Resources Manager's Office upon sale or transfer of property adjoining public lands or upon a change of permanent address or phone number.
16. The grantee agrees that he will complete the facility construction within one year of the Permit/License issue date. The instrument shall become null and void if the construction is not completed within that period. Further, the grantee agrees that he will operate and maintain the facility in a manner so as to minimize any adverse impact on fish and wildlife habitat, natural environmental values and in a manner so as to minimize the degradation of water quality.
17. By 30 days written notice, mailed to the grantee by registered or certified mail, the District Engineer or his authorized representative may revoke this instrument whenever he determines that the public interest necessitates such revocation or when he determines that the grantee has failed to comply with the conditions of this instrument. The revocation notice shall specify the reasons for such action. If within the 30-day period, the grantee, in writing requests a hearing, the District Engineer shall grant such hearing at the earliest opportunity. In no event shall the hearing date exceed 60 days from the date of the hearing request. At the conclusion of such hearing, the District Engineer shall render a final decision in writing and mail such decision to the grantee by registered or certified mail. The grantee may, within 5 days of receipt of the decision of the District Engineer appeal such decision to the Division Engineer. The decision of the Division Engineer shall be rendered as expeditiously as possible and shall be sent to the grantee by registered or certified mail. The grantee may, within 5 days of receipt of the decision of the Division Engineer, appeal such decision in writing to the Chief of Engineers. The decision of the Chief of Engineers shall be final from which no further appeal may be taken.
18. Notwithstanding condition 17 above, if, in the opinion of the District Engineer, emergency circumstances dictate otherwise, the District Engineer may summarily revoke this instrument.

EXHIBIT 3

PROCEDURES FOR OBTAINING A SHORELINE PERMIT/LICENSE (APPENDIX A TO ER 1130-2-404, 31 OCT 90)

1. GENERAL.

a. Decisions regarding permits for private floating recreation facilities will consider the operating objectives and physical characteristics of each project. In developing Shoreline Management Plans, district commanders will give consideration to the effects of added private boat storage facilities on commercial concessions for that purpose. Consistent with established policies, new commercial concession may be alternatives to additional limited development shoreline.

b. Permits for individually or group owned shoreline use facilities may be granted only in Limited Development Areas when the sites are not near commercial marine services and such use will not despoil the shoreline nor inhibit public use or enjoyment thereof. The installation and use of such facilities will not be in conflict with the preservation of the natural characteristics of the shoreline nor will they result in significant environmental damage. Charges will be made for Shoreline Use Permits in accordance with the separately published fee schedule.

c. Permits may be granted within Limited Development Areas for ski jumps, floats, boat moorage facilities, duck blinds, and other private floating recreation facilities when they will not create a safety hazard and inhibit public use or enjoyment of project waters or shoreline. A Corps permit is not required for temporary ice fishing shelters or duck blinds when they are regulated by a state program. When the facility or activity is authorized is generally not required.

d. Group owned boat mooring facilities may be permitted in Limited Development Areas where practicable (e.g., where physically feasible in terms of access, water depths, wind protection, etc.).

2. APPLICATION FOR SHORELINE USE PERMITS.

a. Applications for private Shoreline Use Permits will be reviewed with full consideration of the policies set forth in this and referenced regulations, and the Shoreline Management Plan. Fees associated with the Shoreline Use Permit shall be paid prior to issuing the permit. Plans and specifications of the proposed facility shall be submitted and approved prior to the start of construction. Submissions should include engineering details, structural design, anchorage method, and construction materials; the type, size, location and ownership of the facility; expected duration of use; and an indication of willingness to abide

by the applicable regulations and terms and conditions of the permit. Permit applications also shall identify and locate any land-based support facilities and any specific safety considerations.

b. Permits will be issued by the district commander or his/her authorized representative on ENG Form 4264-R (Application for Shoreline Use Permit) (Appendix B). Computer generated forms may be substituted for ENG Form 4264-R provided all information is included. The computer generated form will be designated, "ENG Form 4264-R-E, Oct. 87 (Electronic generation approved by USACE, Oct 87)".

c. The following are guides to issuance of Shoreline Use Permits:

(1) Use of boat mooring facilities, including piers and boat (shelters) houses, will be limited to vessel or watercraft mooring and storage of gear essential to vessel or watercraft operation.

(2) Private floating recreation facilities, including boat mooring facilities shall not be constructed or used for human habitation or in a manner which gives the appearance of converting Federal public property on which the facility is located to private, exclusive use. New docks with enclosed sides (i.e. boathouses) are prohibited.

(3) No private floating facility will exceed the minimum size required to moor the owner's boat or boats plus the minimum size required for an enclosed storage locker for oars, life preservers and other items essential to watercraft operation. Specific size limitations may be established in the project Shoreline Management Plan.

(4) All private floating recreation facilities including boat mooring facilities will be constructed in accordance with plans and specifications, approved by the project manager, or a written certification from a licensed engineer, stating the facility is structurally safe, will accompany the initial submission of the plans and specifications.

(5) Procedures regarding permits for individual facilities shall also apply to permits for non-commercial group mooring facilities.

(6) Facilities attached to the shore shall be securely anchored by means of moorings which do not obstruct the free use of the shoreline, not damage vegetation or other natural features. Anchoring to vegetation is prohibited.

(7) Electrical service and equipment leading to or on private mooring facilities must not pose a safety hazard nor conflict with other recreational use. Electrical installations must be weatherproof and meet all current applicable electrical codes and regulations. The facility must be equipped with quick disconnect fittings mounted above the flood pool elevations. All electrical installations must conform to the National Electric Code and all state, and local codes and regulations. In those states where electricians are licensed, registered, or otherwise certified, a copy of the electrical certification must be provided to the

project manager before a Shoreline Use Permit can be issued or renewed. The project manager will require immediate removal or disconnection of any electrical service or equipment that is not certified (if appropriate), does not meet code, or is not safely maintained.

All new electrical lines will be installed underground. This will require a separate real estate instrument for the service right-of-way. Existing overhead lines will be allowed, as long as they meet all applicable electrical codes, regulations and above guidelines, to include compatibility and safety related to fluctuating water levels.

(8) Private floating recreation facilities will not be placed so as to interfere with any authorized project purposes, including navigation, or create a safety or health hazard.

(9) The district commander or his/her authorized representative may place special conditions on the permit when deemed necessary.

(10) Vegetation modification, including but not limited to cuttings, pruning, chemical manipulation, removal or seeding by private individuals, are allowed only in those areas designated as Limited Development Areas or Protected Shoreline Areas. An existing (as of February 1, 1989) vegetation modification permit, within a shoreline allocation which normally would not allow vegetation modification, should be grandfathered. Permittees will not create the appearance of private ownership of public lands.

(11) The term of a permit for vegetation modification will be for five years. Where possible, such permits will be consolidated with other shoreline management permits into a single permit. The district commander is authorized to issue vegetation modification permits of less than five years for one-time requests or to aid in the consolidation of shoreline management permits.

(12) When issued a permit for vegetative modification, the permittee will delineate the government property line, as surveyed and marked by the government, in a clear but unobtrusive manner approved by the district commander and in accordance with the project Shoreline Management Plan and the conditions of the permit. Other adjoining owners may also delineate the common boundary subject to these same conditions. This delineation may include, but is not limited to, boundary plantings and fencing. The delineation will be accomplished at no cost to the government.

(13) No permit will be issued for vegetation modification in Protected Shoreline Areas until the environmental impacts of the proposed modification are assessed by the project manager and it has been determined that no significant adverse impacts will result.

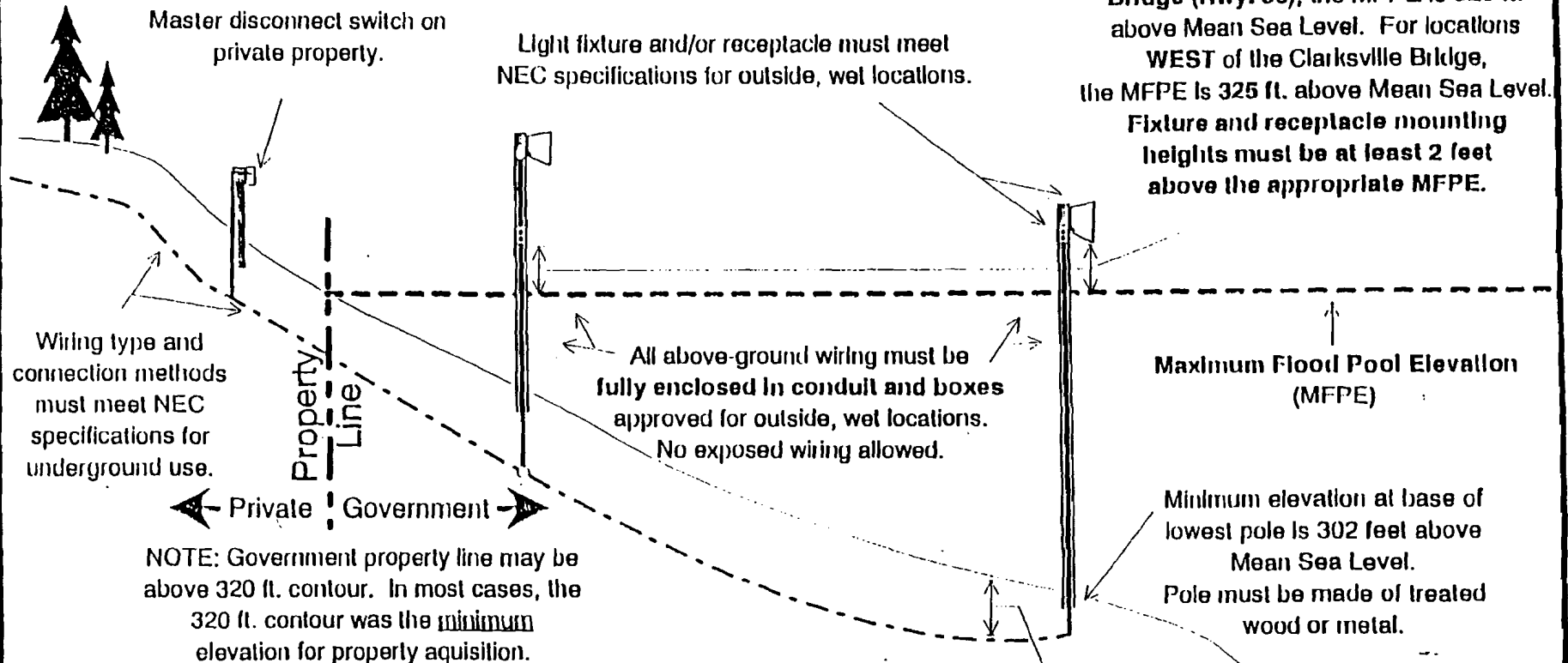


US Army Corps
of Engineers
Wilmington District

EXHIBIT 4: Approved Drawing of Underground Electric Line W. KERR SCOTT RESERVOIR

★ All systems must have Ground-Fault Circuit-Interrupter (GFCI) protection at circuit breaker box on private property. No exceptions.

Maximum Flood Pool Elevation (MFPE) is determined by location of property. For locations EAST of the Clarksville Bridge (Hwy. 58), the MFPE is 320 ft. above Mean Sea Level. For locations WEST of the Clarksville Bridge, the MFPE is 325 ft. above Mean Sea Level. Fixture and receptacle mounting heights must be at least 2 feet above the appropriate MFPE.



NOTES: 1.) Drawing is not to scale. 2.) System must meet all National Electrical Code (NEC) specifications except for more stringent requirements depicted in this drawing. 3.) Underground installation required after January 1, 1991. 4.) Licensed Electrician Certification is required for all new systems or modifications. 5.) GENERAL REQUIREMENTS are listed in Section 20 (d) of Shoreline Management Plan.

12 inch minimum line depth.
24 inch minimum where line
passes beneath a roadway.

Drawing not to scale.

EXHIBIT 4a.

ELECTRICAL UTILITY CERTIFICATION STATEMENT

W. Kerr Scott Reservoir - (910) 921-3390

Part 1. (To be completed by license grantee.)

After meeting with a Corps of Engineers Ranger for the determination of the underground line location and utility pole base elevations, I provided my licensed electrician with that information.

My Shoreline Use Permit/License Number is _____.

My approved location is _____.

The base elevation of my utility pole is _____ ft. above M.S.L.

Print Name: _____ Signed: _____

Grantee

Date: _____

Part 2. (To be completed by licensed electrician.)

I, _____, a currently licensed electrician in the State of _____, registration number _____, hereby certify that the above grantee's electrical utility meets all current National Electrical Code requirements for outside wet locations. I also certify that the electric utility also meets current Corps of Engineers requirements as addressed on the attached "Approved Drawing of Underground Electric Line" (Exhibit G of Shoreline Management Plan).

I understand that all electrical utilities installed after January 1, 1991, will have underground feeder lines. I have listed on the back of this sheet all work performed to bring the utility into compliance, if any was required.

If a receptacle is present on the utility, it meets minimum elevation requirements and has a Ground Fault Interrupter located:

At the breaker box _____;

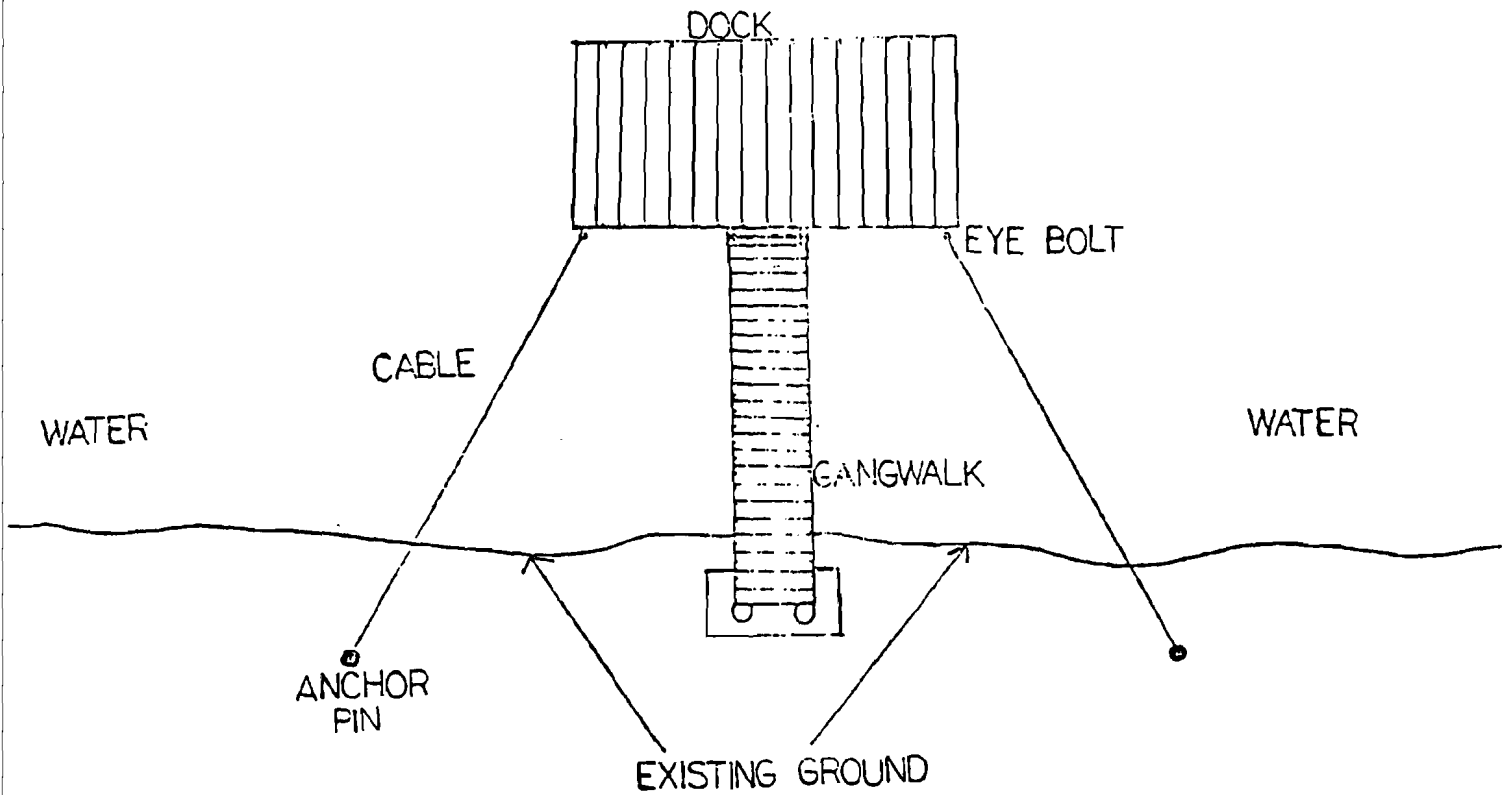
Signed: _____ (Licensed Electrician)

Date: _____

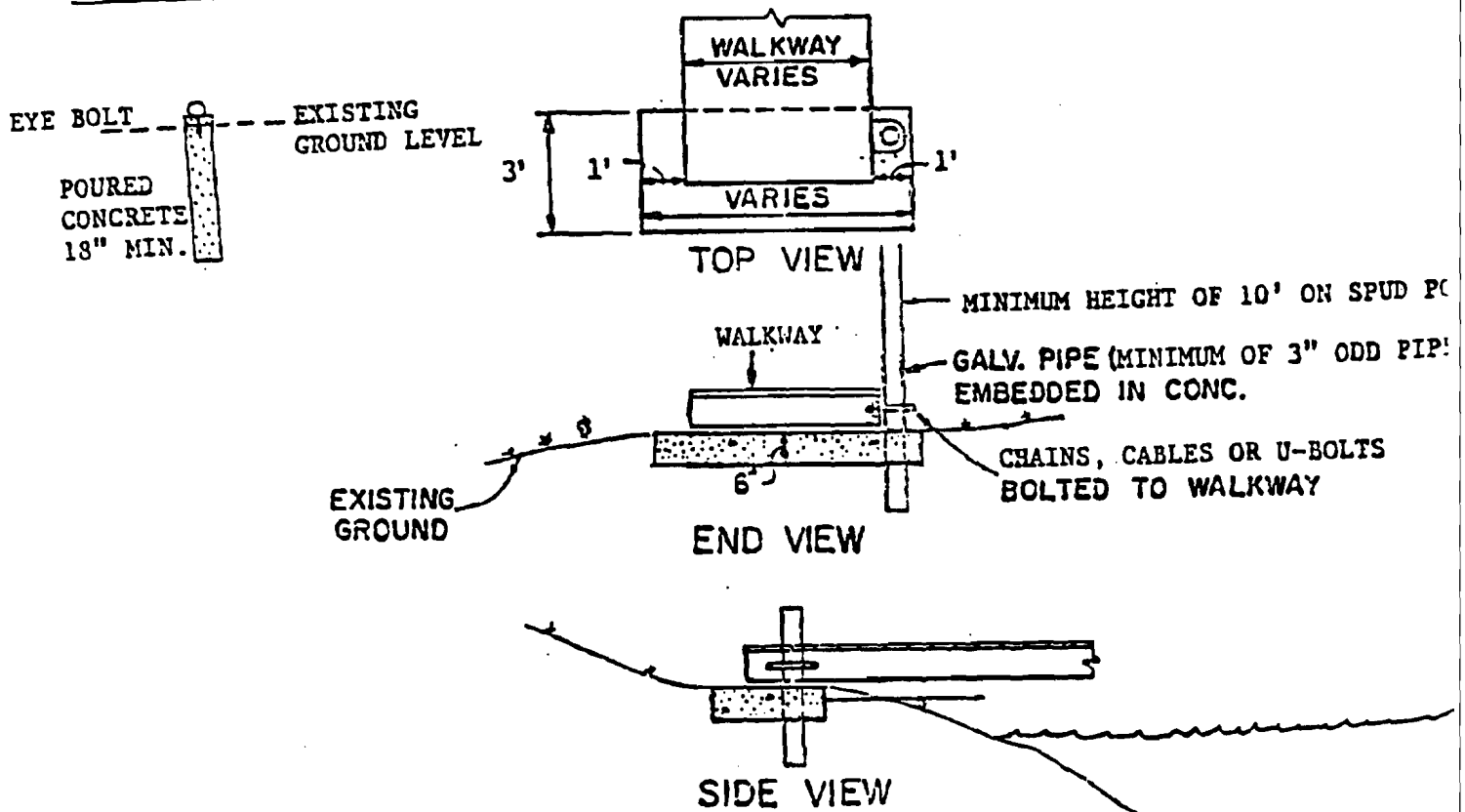
Work Address: _____

Phone #: _____

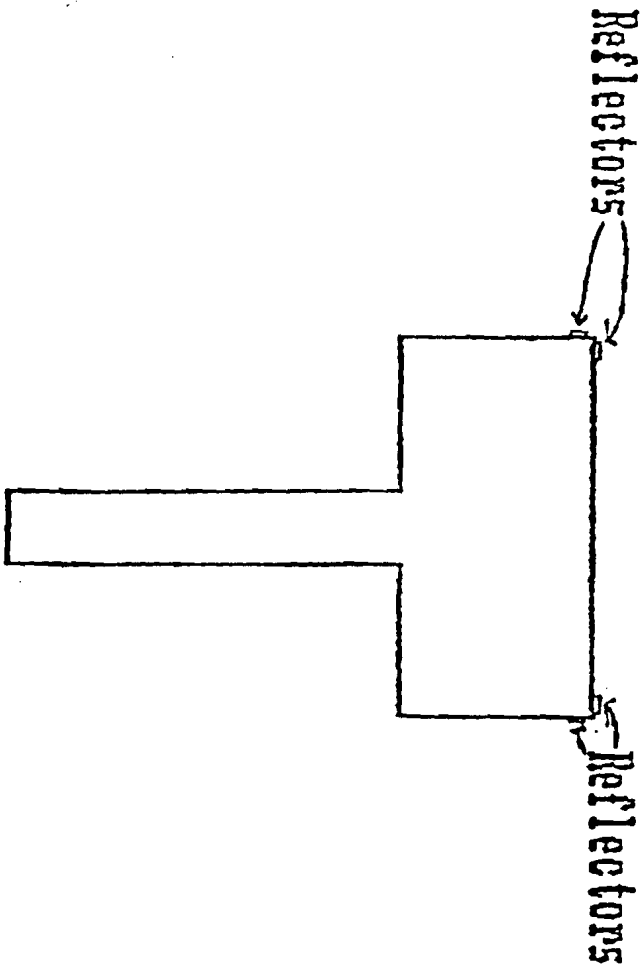
RETURN THIS FORM WITHIN FIFTEEN DAYS OF CERTIFICATION



ANCHOR PIN EXAMPLE



CONCRETE ANCHOR PAD





US Army Corps
of Engineers
Wilmington District

EXHIBIT 7: Approved Drawing of Typical Stairway W. KERR SCOTT RESERVOIR

Materials List

1. 2" x 6" Pressure - Treated (PT) Handrails & Steps
2. 4" x 4" (PT) Post Set in Concrete (18" Depth Recommended)
3. 2" x 12" (PT) Stringers
4. Galvanized Nails & Bolts
5. Steps with widths over 39" will require an additional stringer centered under the steps.
6. General Requirements are listed in Section 20 (a) of the Shoreline Management Plan

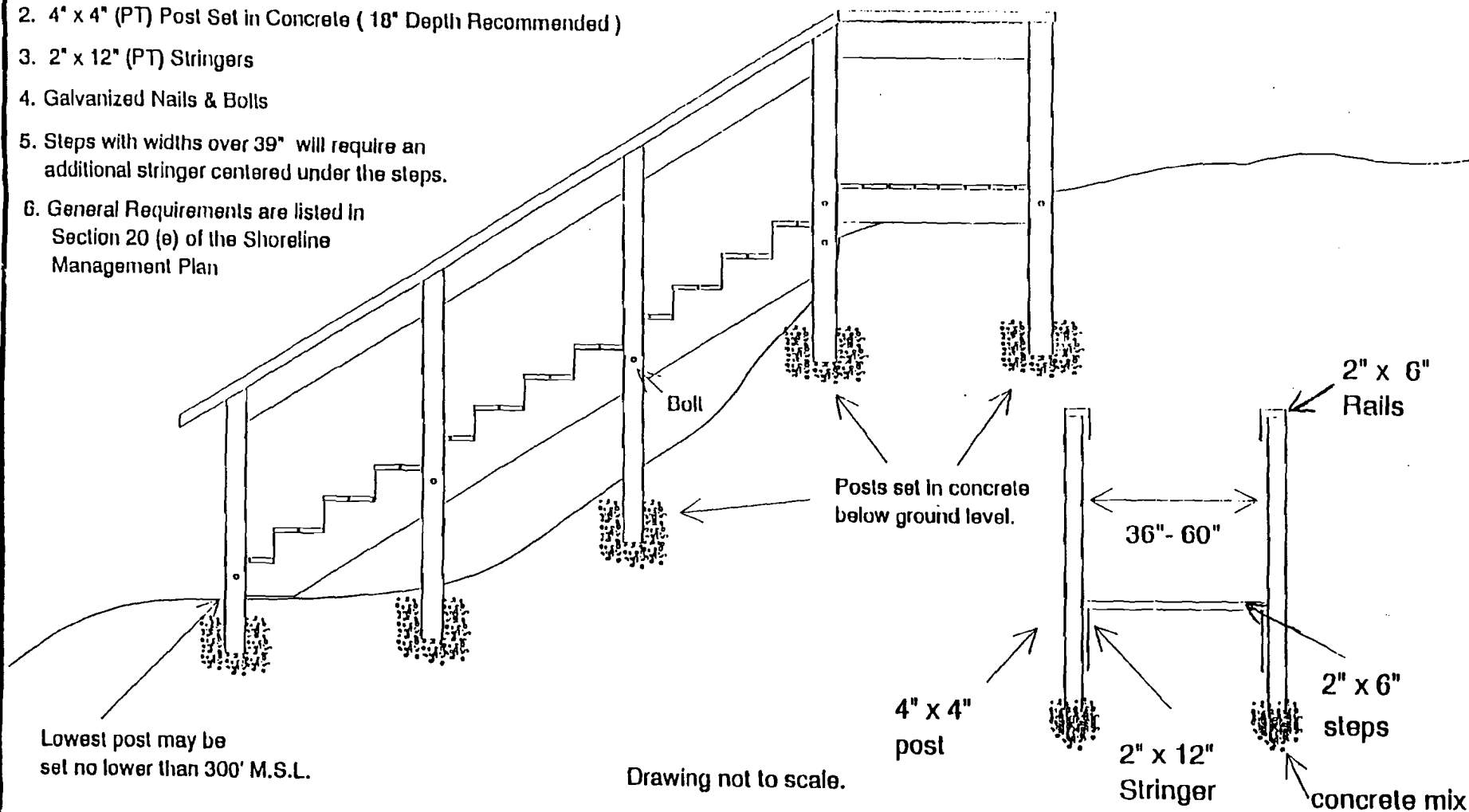


EXHIBIT 8

PERMIT FEES

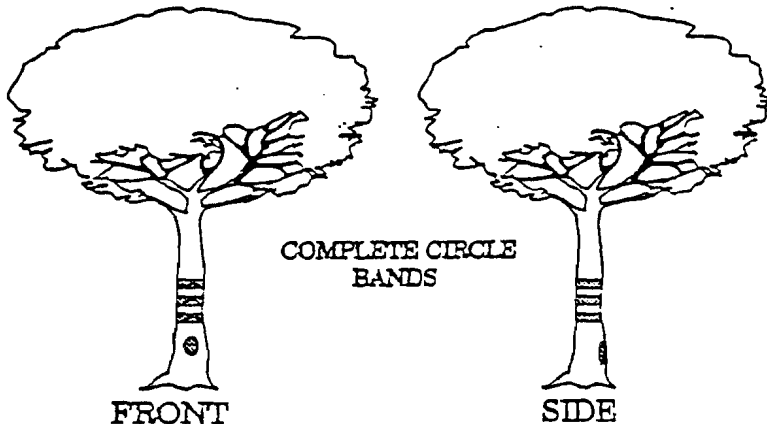
<u>TYPE OF PERMIT</u>	<u>DURATION</u>	<u>COST</u>
1. Private Floating Facilities	5 years	\$30.00
2. Community or Multi-Owner Floating Facilities	5 years	\$30.00 plus \$20.00 for each additional slip
3. Vegetation Modification	5 years	\$20.00
4. Improved Walkway and/or steps	5 years	\$50.00
5. Handrails Only	5 years	\$28.00
6. Underground Utility Lines	5 years	\$30.00
7. Duckblinds and Ski Jumps	1 season	\$20.00



US Army Corps
of Engineers
Wilmington District

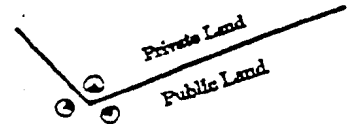
EXHIBIT 9: BOUNDARY LINE MARKINGS W. KERR SCOTT RESERVOIR

Witness trees in Wilmington District are painted orange to delineate the boundary line. Where trees are not available, a similarly marked metal or fiberglass post is used. A survey by a licensed surveyor will be necessary to determine the exact line location. The types and meanings of the markings are illustrated below.



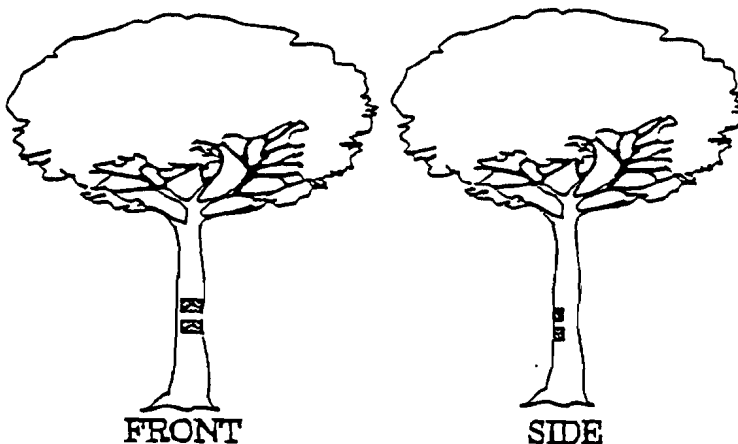
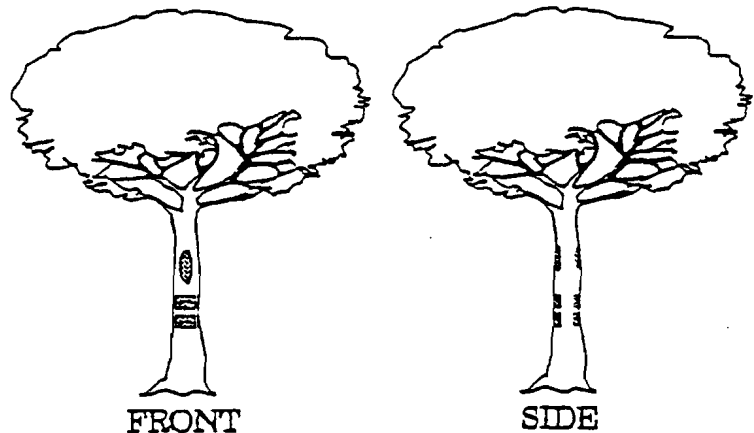
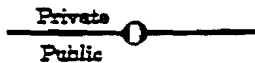
WITNESS TREE FOR CORNER

Three bands are painted completely around tree with back marks in the band facing the corner. A blaze is located approximately waist high facing the corner.



IN LINE TREE

Two bands each are painted on opposite sides of the tree in the direction of the line, with a back cut in each band. The bands do not completely encircle the tree. A blaze is made above the bands. These markings indicate that the boundary line passes through the tree.



LINE WITNESS TREE

Two bands are painted on the tree with backs facing in the direction of the line. The bands are painted around the edges of the tree, so that they may be seen from a distance when walking the line. These trees are normally on government property. Note that these trees are not the boundary line; they only illustrate on which side the boundary line falls.

